

**MINUTES OF THE
HEALTH AND HUMAN SERVICES INTERIM COMMITTEE**
Wednesday, August 18, 2010 – 2:00 p.m. – Room 250 State Capitol

Members Present:

Rep. Paul Ray, House Chair
Sen. J. Stuart Adams
Sen. Allen M. Christensen
Sen. David P. Hinkins
Sen. Luz Robles
Rep. Trisha S. Beck
Rep. Joel K. Briscoe
Rep. Tim M. Cosgrove
Rep. Bradley M. Daw
Rep. Kay L. McIff
Rep. Ronda Rudd Menlove
Rep. Phil Riesen
Rep. Dean Sanpei
Rep. Evan J. Vickers

Members Absent:

Sen. D. Chris Butters, Senate Chair
Sen. Patricia W. Jones
Rep. Eric K. Hutchings
Rep. Stephen E. Sandstrom

Staff Present:

Mr. Mark D. Andrews, Policy Analyst
Ms. Cathy Dupont, Associate General Counsel
Mr. Thomas R. Vaughn, Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ray called the meeting to order at 3:05 p.m. He introduced Rep. Joel Briscoe who replaced Rep. Christine Johnson. Sen. Jones was excused from the meeting.

Due to lack of a quorum, the minutes of the June 23, 2010 meeting were not approved.

2. Flavored Tobacco and Nicotine Product Restriction Act

Rep. Ray discussed 2011 General Session draft legislation, "Flavored Tobacco and Nicotine Product Restriction Act" (2011FL-0024/004), which was distributed to the Committee. He expressed his concern that the tobacco industry is marketing its products to children.

A letter was distributed from Mr. Saad Albaderi, Proprietor, American Foodmart, expressing his concern with the possibility of greater regulation and taxation on tobacco.

Mr. Kendrick Woolstenhulme, Hungry Trout Cigars, commented that the legislation would mean the loss of more small businesses and jobs in Utah. He stated that people should be educated about the product and then be allowed to choose whether or not to buy it.

Mr. Kenn Crandall, Tinder Box, pointed out that selling tobacco products is a legal business. He stated that continuing to raise taxes on tobacco products will only compel people to go outside the state to purchase them.

Mr. Dave Davis, Utah Food Industry, cautioned against banning all products that contain nicotine. He pointed out that many food products contain trace amounts of nicotine and the legislation, as drafted, would prevent retailers from selling those types of products.

Ms. Amy Sands, Department of Health (DOH), Tobacco Prevention and Control Program, distributed a copy of her presentation "Tobacco Flavors and Kids." She stated the tobacco industry targets kids by marketing products that look like candy. She said the packaging is very confusing to children and the flavors are particularly attractive to youth.

Ms. Gayle Parker, Tobacco Prevention Specialist, Tooele County School District, pointed out that Tooele County has one of the highest tobacco rates in the state. She noted that there has been a significant increase in the use of smokeless tobacco among school kids.

Mr. Michael Siler, American Cancer Society, distributed a letter to the Committee. He explained that smokeless tobacco use for both boys and girls grades 9 through 12 has nearly doubled since 2005. He noted that the only sound remedy to the problem is to prohibit the sale of these products that are clearly meant to, and do, appeal to young people.

Chair Ray indicated that the bill would be brought before the Committee later in the year.

3. Use of the Term "Liberally Construed" in Department of Health Administrative Rule

Dr. Robert Rolfs, State Epidemiologist, said DOH has initiated the process to remove the term "liberally construed" from Administrative Rule R392-200 (Design, Construction, Operation, Sanitation, and Safety of Schools).

Mr. Andrews noted that a letter from the Administrative Rules Review Committee was included in the mailing packet, which expressed concern that the language may be moving beyond the intent of state statute.

4. Healthcare-associated Infections

Dr. Rolfs said that DOH initiated a collaborative approach and implemented an administrative rule to address the growing concern of healthcare-associated infections (HAIs). He distributed a copy of a National Conference of State Legislatures report "Lessons from the Pioneers Reporting Healthcare-Associated Infections."

Dr. Rachel Herlihy, DOH, made a presentation to the Committee. She explained that HAIs are infections that patients acquire during the course of receiving treatment for other conditions within a healthcare setting. She indicated that HAIs are among the leading causes of death in the U.S. She noted that as of May 2010, 27 states have laws explicitly requiring healthcare facilities to publicly report certain HAIs.

Ms. Louise Eutropius, University of Utah Hospital and Clinics, highlighted some of the accomplishments of a workgroup established in 2005. The workgroup discussed issues of what should be reported and how it should be reported. She discussed the difficulty in reporting from rural hospitals.

5. Other Business / Adjourn

Chair Ray adjourned the meeting at 4:10 p.m.